IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Shunpei Yamazaki et al.	Art Unit	: 2624
Serial No.	: 09/833,674	Examiner	: Anthony M. Mackowey
Filed	: April 13, 2001	Conf. No.	: 2128
Title	: SYSTEM AND METHOD FOR IDENTIFYING AN INDIVIDUAL		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows.

With respect to the prior art rejection of independent claims 1, 7, 35, 43, 51, 57, 85 and 93 based on Ritter, Harkin, and Wang, pages 11 and 12 of the Examiner's Answer attempts to address the appeal brief's explanation that neither Ritter, Harkin, Wang, nor any proper combination of the three, describes or suggests a display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user. On page 4, first full paragraph, the Examiner's Answer acknowledges that Ritter does not disclose a display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user, where the light emitting element comprises a cathode, a light emitting layer, and an anode.

To address this acknowledged deficiency of Ritter, the Examiner's Answer relies on Harkin. Harkin discloses a liquid crystal (LC) display device (*see* Harkin at col. 9, lines 15-18; FIG. 6) and, in particular, discloses that "LC display devices can be operable in a reflective mode, using for example ambient light, or in a transmissive mode in which case a backlight is normally provided adjacent the side of the device remote from the viewing side." *See* Harkin at col. 9, lines 26-29. As such, Harkin's LC display device requires an ambient light source or a backlight, each of which is provided outside of the display device and, therefore, Harkin's LC display device does not have pixels, each of which includes a light emitting element, as recited by independent claims 1, 7, 35, 43, 51, 57, 85 and 93.

In addition to disclosing the LC display, Harkin states without explanation that other types of display devices, such as electroluminescent or electrochromic display devices, may be employed instead of the LC display. *See* Harkin at col. 9, lines 64-67. The Examiner's Answer

relies on this statement by Harkin as disclosing a display device having pixels, each of which includes a light emitting element and a sensor for reading biological information of a user, where the light emitting element comprises a cathode, a light emitting layer, and an anode, as recited by independent claims 1, 7, 35, 43, 51, 57, 85 and 93. However, Harkin's mention of an electroluminescent display is not "an enabling disclosure." *See* M.P.E.P. § 2121.01 (*citing Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research,* 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003) ("The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; *mere naming or description of the subject matter is insufficient*, if it cannot be produced without undue experimentation.") (emphasis added).

Rather, Harkin merely names an electroluminescent display as a possible display that may be employed instead of the described liquid crystal display. The Examiner has not established that this mere naming of an electroluminescent display would enable one of ordinary skill in the art to include a light emitting element and a sensor for reading biological information of a user into each pixel of a display device without undue experimentation. Nor has the Examiner shown that this mere naming of an electroluminescent display would enable one of ordinary skill in the art to know the circuitry required to do so without undue experimentation. By contrast, see, for example, FIG. 8 of the instant application, which shows a detailed structure of a pixel, including the circuitry of the pixel.

The rejection relies on Wang as disclosing a portable authorization device. However, Wang's portable authorization device does not remedy Ritter's and Harkin's failure to describe or suggest a display device having pixels, where each pixel includes a light emitting element and a sensor for reading biological information, as recited by independent claims 1, 7, 35, 43, 51, 57, 85 and 93.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

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Respectfully submitted,

Date: 6/9/2008

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